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Paper No. 5

**MAIL**

**JUL - 7 2004**

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BALMAIN 2041 AU AUSTRALIA

In re Application of  
Paul Lapstun, et al  
Application No. 09/575,145  
Filed: May 23, 2000  
For: METHOD AND SYSTEM FOR PRINTING A  
PHOTOGRAPH

: DIRECTOR OFFICE  
: TECHNOLOGY CENTER 2600  
:  
: DECISION ON PETITIONS  
: TO MAKE SPECIAL  
:

This is a decision on the petition under 37 C.F.R. § 1.102, filed May 23, 2000, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in M.P.E.P. § 708.02, Section V: Environment and Section VI: Energy.

A grantable petition to make an application special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section V, for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements - air, water and soil, must be accompanied by statements under 37 C.F.R. § 1.102 by the applicant or his/her attorney or agent explaining how the invention contributes to the restoration or maintenance of one of these life sustaining elements; and Section VI, must be accompanied by a showing that the application is for an invention which materially contributes to (A) the discovery or development of energy resources, or (B) the more efficient utilization and conservation of energy resources. Examples of inventions in category (A) would be developments in fossil fuels (natural gas, coal, and petroleum), nuclear energy, solar energy, etc. Category (B) would include inventions relating to the reduction of energy consumption in combustion systems, industrial equipment, household appliances etc. Such petitions should be accompanied by statements under 37 C.F.R. § 1.102 by the applicant, assignee, or an attorney/agent registered to practice before the Office explaining how the invention materially contributes to category (A) or (B) set forth above.

The petition was accompanied by the following statement by applicant: "The system, collectively called "Netpage", has the potential to substantially reduce energy use, transportation requirements, and paper use, giving environmental benefits such as reduction of carbon emissions, maintenance of biodiversity, and a reduction in pollution".

While Applicant's invention may potentially result in environmentally sound practices, no evidence has been provided whereby the invention directly contributes to the restoration or maintenance of the basic-life sustaining natural elements, as required by special status, section V.

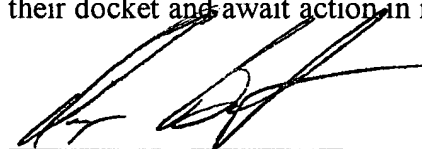
Similarly, no evidence has been presented which demonstrates the direct correlation between the use of Applicant's invention and the conservation of resources. Petitioner alleges that "If the amount of paper in those newspapers was halved by using the Netpage system disclosed herein, the power savings in the US would be around 3.7 gigaWatts, equal to the output of about four full scale nuclear, coal, or natural gas electricity generating plants". Petitioner's statements are based upon supposition regarding implementation and/or utilization. No evidence has been provided which demonstrates the direct correlation between use of the claimed system and reduction of energy consumption. In other words, if Applicant's invention were implemented, there is no evidence that paper usage would actually decrease. Petitioner's statements of reduction of energy consumption is based upon a supposition.

For the above stated reasons, the petition to make the subject application special is **DENIED**.

Should Petitioner desire reconsideration, he/she should supplement this petition by a declaration or statement giving the information as outlined above. Any request for reconsideration must be filed within TWO MONTHS of the date of this decision.

Alternatively, Petitioner may also consider requesting special status under MPEP 708.02, section VIII.

The application will be forwarded to the examiner for consideration of the application's priority on their docket and await action in its regular turn.



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